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# EXHIBIT B

**Metcalf & Metcalf, P.C.**

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New York, NY 10016  
646.253.0514 (*Phone*)  
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UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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Capital 7 Funding,

*Plaintiff*

Docket No. 17-cv-2374

**Request for Certificate of Default**

- against -

Wingfield Capital Corporation, Prestige Investment  
Associates, Inc., d/b/a Prestige Investments USA,  
and First Choice Payment Systems, Inc., d/b/a 1st  
Choice Payments

*Corporate Defendants*

And

Burgis Sethna, a/k/a Seth Burgess, Heath  
Wagenheim, Joseph Rabito, Damian Laljie a/k/a  
Damian Laltie, and John Does 1 through 15,

*Individual Defendants*

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TO: DOUGLAS C. PALMER, CLERK  
UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

Plaintiff in the above-captioned action request that defaults be entered against Defendant Burgis Sethna a/k/a Seth Burgess pursuant to Rule 55(a) of the Federal Rules of Civil Procedure for failure to timely plead or otherwise defend this action as fully appears from the court file and the attached declaration of Nicholas Bowers, Esq.

Dated: Brooklyn, New York  
July 20, 2020

Respectfully Submitted,

/s/ \_\_\_\_\_

Nicholas Bowers, Esq.

Gary Tsirelman P.C.

*Attorneys for Plaintiff*

129 Livingston St.

Brooklyn NY 11201

Email: nbowers@gtmdjd.com



UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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*Plaintiff*

- against -

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Damian Laltie, and John Does 1 through 15,

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**DECLARATION OF NICHOLAS BOWERS, ESQ.**

I, Nicholas Bowers, declare under penalty of perjury that:

1. I am an associate attorney with Gary Tsirelman, P.C., counsel to Plaintiff Capital 7 Funding in the above-captioned matter.
2. I submit this declaration pursuant to Rule 55.1 of the Local Civil Rules for the Eastern District of New York and in support of Plaintiff's request for a certificate of default against Defendant Burgis Sethna a/k/a Seth Burgess ("Sethna").
3. This action seeks damages from Sethna for his conduct and direction of Defendants' fraudulent enterprise that defrauded Plaintiff.

4. Jurisdiction of this action is based upon 28 U.S.C. § 1331 because Plaintiff brings its claims, in part, under the laws of the United States, specifically 18 U.S.C. § 1961 through 1968 (the Racketeer Influenced and Corrupt Organizations (“RICO”) Act). This Court has supplemental jurisdiction of Plaintiff’s state law claims pursuant to 29 U.S.C. § 1367. This District is an appropriate venue pursuant to 28 U.S.C. § 1391, one or more of the Defendants resides in the Eastern District of New York and because this is the District where a substantial amount of the activities forming the basis of the Complaint occurred.

5. The Complaint was filed on April 20, 2017. ECF No. 1. Plaintiff filed an Amended Complaint on May 4, 2017. ECF No. 4.

6. Sentha retained counsel and sought an extension of his time to answer on June 28, 2017. ECF Nos. 17 and 18. Plaintiff subsequently filed a Second Amended Complaint on August 31, 2017. ECF No. 26.

7. Sentha requested a pre-motion conference from the Court regarding a motion to dismiss the Second Amended Complaint. ECF No. 27. The Court issued an order on March 22, 2019 allowing all Defendants to file motions to dismiss.

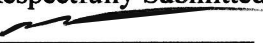
8. Sentha filed a motion to dismiss the Second Amended Complaint on June 21, 2019. The Court denied Sentha’s motion in its entirety on May 29, 2020. ECF No. 82.

9. Pursuant to Federal Rule of Civil Procedure 12(a)(4)(A), Sentha’s responsive pleading was due filed or served on June 15, 2020. Sentha has not filed or served any responsive pleading or appeal after filing the motion to dismiss. Sentha’s time to respond has expired.

10. This action seeks judgment against Senthia for compensatory damages, punitive damages, treble damages, costs, and reasonable counsel fees.

Dated: Brooklyn, New York  
July 20, 2020

Respectfully Submitted,

  
\_\_\_\_\_  
Nicholas Bowers, Esq.  
Gary Tsirelman P.C.  
*Attorneys for Plaintiff*  
129 Livingston St.  
Brooklyn NY 11201

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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Capital 7 Funding,

*Plaintiff*

Docket No. 17-cv-2374

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**Certificate of Default**

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*Corporate Defendants*

And

Burgis Sethna, a/k/a Seth Burgess, Heath  
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Damian Laltie, and John Does 1 through 15,

*Individual Defendants*

-----X

I, Douglas Palmer, Clerk of the Court of the United States District Court for the Eastern District of New York, do hereby certify that Defendant Burgis Senthna a/k/a Seth Burgess has not filed an answer or otherwise moved with respect to the above-captioned action as fully appears from the court file herein and from the Declaration of Nicholas Bowers, annexed hereto. The default of Defendant Burgis Senthna a/k/a Seth Burgess is hereby noted pursuant to Rule 55(a) of the Federal Rules of Civil Procedure.

Dated: Brooklyn, New York  
\_\_\_\_\_, 2020

DOUGLAS C. PALMER  
Clerk of Court

By: \_\_\_\_\_  
Deputy Clerk